

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ALLSTATE PROPERTY AND CASUALTY INSURANCE COMPANY</b>	:	<b>CIVIL ACTION NO. 1:20-CV-365</b>
<b>a/s/o DUANE AND SHERI KOONS,</b>	:	<b>(Judge Conner)</b>
	:	
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>HAIER US APPLIANCE SOLUTIONS, INC. d/b/a GE APPLIANCES and GENERAL ELECTRIC COMPANY,</b>	:	
	:	
<b>Defendants</b>	:	

## ORDER

AND NOW, this 28th day of March, 2022, upon consideration of defendants' motions (Docs. 24, 26, 28) *in limine* and motion (Doc. 30) for summary judgment, and the parties' respective briefs in support of and opposition thereto, and for the reasons set forth in the accompanying memorandum of today's date, it is hereby ORDERED that:

1. Defendants' motion (Doc. 24) *in limine* seeking to preclude plaintiff's expert, Michael Zazula, from offering opinions regarding design is GRANTED to the extent Zazula is precluded from offering expert testimony regarding alternative design and whether the defendants were negligent in designing the stove at issue. The motion (Doc. 24) is otherwise denied.
2. Defendants' motion (Doc. 26) *in limine* seeking to preclude Zazula from offering opinions regarding causation is DENIED.
3. Defendants' motion (Doc. 28) *in limine* seeking to preclude plaintiff's expert, Roger Spadt, from offering opinions regarding the cause of the fire is GRANTED and Spadt is precluded from offering expert testimony regarding his proffered theory of fire causation.

4. Defendants' motion (Doc. 30) for summary judgment is GRANTED as to plaintiff's strict-liability failure to warn, negligent failure to warn, and breach of warranty claims. The motion (Doc. 30) is further GRANTED as to all negligence claims asserted in plaintiff's complaint other than negligent design. The motion (Doc. 30) is otherwise DENIED.
5. Entry of judgment is DEFERRED pending trial of plaintiff's remaining claims.
6. A United States Magistrate Judge of this court is available to preside over this case, see 28 U.S.C. § 636(c); FED. R. CIV. P. 73, and may be available to do so earlier than the undersigned.<sup>1</sup> The Clerk of Court shall mail an AO 85 form ("Notice, Consent, and Reference of a Civil Action to a Magistrate Judge") to all parties in the above-captioned action together with a copy of this order. All parties who consent to jurisdiction of a United States Magistrate Judge shall complete and return the AO 85 form to the Clerk of Court no later than **April 18, 2022**.
7. A United States Magistrate Judge of this court is also available and willing to serve as a settlement officer in this case. The parties shall promptly meet and confer to discuss participating in a settlement conference with a United States Magistrate Judge. No later than **April 18, 2022**, the parties shall certify to the court by way of letter filed to the docket that they have met and conferred as directed and shall indicate whether a referral to a United States Magistrate Judge for a settlement conference is requested.
8. If the parties do not consent to the jurisdiction of a United States Magistrate Judge and do not request a settlement conference before a United States Magistrate Judge by the deadlines in paragraph 6 and 7, the court will schedule a pretrial telephonic scheduling conference to establish a pretrial and trial schedule.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner  
United States District Judge  
Middle District of Pennsylvania

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<sup>1</sup> The parties are reminded consent is optional and may be withheld without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with the case.